IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 19835 of 2012 (O&M)
Date of decision: 5.10.2012

Additional Director General of Police

.. Petitioner

v.

State Information Commissioner and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sukant Gupta, Additional Advocate General, Haryana.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 30.7.2012, passed by the State Information Commission, Haryana (for short, 'the Commission'), whereby it has directed the petitioner to supply certain information to respondent No. 2.

Learned counsel for the petitioner raised two-fold submissions, namely, that in view of the notification issued by the State of Haryana on 29.12.2005, in exercise of powers conferred under Section 24(4) of the Right to Information Act, 2005 (for short, 'the Act'), State Criminal Investigation Department including the Crime Branch was exempted from the application of the Act. Further, reliance was sought to be placed upon Section 8(1)(g) of the Act, whereby exemption has been granted from disclosure of information in cases where disclosure would endanger the life or physical safety of any person. Learned counsel further submitted that though in the penultimate paragraph the Commission has directed for providing of information under clauses (a), (b) and (d), whereas in final paragraph, the clauses have been mentioned as (a),(b) and (c). He submitted

that the petitioner be granted liberty to move application before the Commission for correction of the error, if any.

After hearing learned counsel for the petitioner, I do not find any merit in the submissions made. Respondent No. 2 in the present case filed application seeking following information:

"a) Provide details of total expenditure involved in the security of each MP and MLA of the Haryana State and information must contain specify expenditure involved per member.

b) Provide information as to how many security vehicles are involved as Pilot Vehicle and Security Vehicles for the security of each MP and MLA of Haryana State.

c) Provide information as to according to the policy/norms how many security personnel's can be provided to each MLA and MP and their family members.

d) Details of total expenditure took place in the year 2008-2009, 2009-2010 and 2010-2011 as diesel and petrol expenses.

e) Details of the wear and tear cost of the security vehicles.

f) Information is required in form of details of the account concerning individual MP and MLA."

The prayer was not accepted by the Public Information Officer. Appeal was filed. The same was also rejected by the appellate authority. The matter was taken to the Commission, whereby the Commission directed that the information, as sought under clauses (a), (b) and (d) be provided to the applicant (respondent No. 2).

As far as the contention raised by learned counsel for the petitioner regarding the petitioner being exempted in terms of the provisions of Section 24(4) of the Act is concerned, in my opinion, the same does not come to the rescue of the petitioner as the answer thereto is available in the proviso thereto, which was considered by a Division Bench of this court in First Appellate Authority-cum-Additional Director General of Police and another v. Chief Information Commissioner, Haryana and another, AIR

2011 P&H 168. Section 24(4) of the Act and the relevant paragraph of the judgment are extracted below:

"Section 24(4) of the Act

Nothing contained in this Act shall apply to such intelligence and security organizations, being organizations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify;

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in Section 7, such information shall be provided within forty-five days from the date of the receipt of request."

Paragraph 14 of the judgment

14. Another write up is available on http://www.thegeminigeek.com. The word corruption is explained as destructive, ruining or the spoiling of the society or a nation. The corrupt society stops prevailing integrity, virtue or moral principles. It changes for the worse. Such a society begins to decay and sets itself on the road to self destruction. Corruption is an age old phenomena. Selfishness and greed are the two main causes of corruption. Political corruption is the abuse of the powers by state officials for their unlawful private gain. A corrupt society is characterized by immorality and lack of fear and respect for the law. Corruption cannot be divorced from economics and inequality of wealth, low wages and salaries are some of the economic causes of corruption. Corruption has prevailed in all forms of government. Various forms of corruption include extortion, graft, bribery, cronyism, nepotism, embezzlement and

patronage. Corruption allows criminal activities such as money laundering, extortion and drug trafficking to thrive."

The corruption as such having not been defined, it has been observed while referring to various aspects thereof that 'selfishness and greed are two main causes of corruption. Political corruption is the abuse of the powers by state officials for their unlawful private gain.'

In the present case, what has been directed to be provided to respondent No. 2 is the details of expenditure involved in the security of each MP and MLA individually, policy pertaining to the number of security personnel which can be provided to each MP and MLA and their family members and the details of expenditure made from 2008-09 till 2010-11 on diesel and petrol. For supplying the aforesaid information, the protection sought in view of the notification issued under Section 24(4) of the Act will not be available, as the aforesaid information has no relation with intelligence and security which enabled the State Government to notify such organization to be exempted from the application of the Act. The information sought is only about the expenditure made and the policy for providing security personnel. Apparent reason is misuse of the facilities.

As far as reliance on Section 8(1)(g) of the Act is concerned, the same is also not applicable in the present case as the information supplied will not, in any case, endanger the life or physical safety of any person as the same is quite general in nature.

For the reasons mentioned above, I do not find any merit in the present petition. Accordingly, the same is dismissed. The petitioner, if so advised, shall be at liberty to move application for correction of any error in the order before the Commission.

(Rajesh Bindal)
Judge

5.10.2012
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